

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 71 SSM 2
The People &c.,
Respondent,
v.
Stanley Holmes,
Appellant.

Submitted by Megan D. Byrne, for appellant.
Submitted by Michael J. Yetter, for respondent.

MEMORANDUM:

The order of the Appellate Division should be reversed, and a new trial ordered. In contrast to *People v Duarte* (37 NY3d 1218 [2022]), the trial court here recognized defendant as having unequivocally requested to proceed pro se. However, the court failed to conduct the required “‘searching inquiry’ to ensure that the defendant’s waiver [of the right to counsel] is knowing, intelligent, and voluntary” (*People v Silburn*, 31 NY3d 144, 150 [2018] [internal quotation omitted]).

On review of submissions pursuant to section 500.11 of the Rules, order reversed, and a new trial ordered, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro and Troutman concur. Judge Halligan took no part.

Decided June 13, 2023